

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Document #

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U.S.C.A. #

U.S.D.C. #

08-cv-1610

JUDGE:

KMW

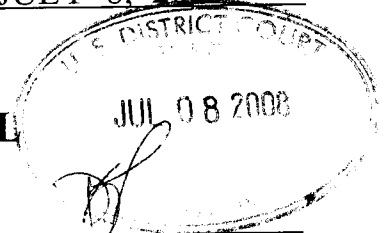
DATE:

JULY 8, 2008**Dominquez-Menes**

-v-

U.S.A.

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME): **THOMAS R. PISARCZYK**
 FIRM: **U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK**
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NEW YORK, NEW YORK 10007
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DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

☒ Original Record

☐ Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 8TH Day of July, 2008.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Dominquez - Mones

-v-

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U.S.D.C. # 08-cv 1610

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Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 6, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

<u>Date Filed</u>	<u>Document Description</u>
_____	_____
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In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 8TH Day of July In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 233RD year.

J. Michael McMahon, Clerk

By 
Deputy Clerk

2255, APPEAL, CLOSED, PRO-SE

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:08-cv-01610-KMW
Internal Use Only

Dominguez-Menas v. USA
Assigned to: Judge Kimba M. Wood
Related Case: 1:96-cr-00450-DLC-1
Cause: 28:2255 Motion to Vacate / Correct Illegal Sentence

Date Filed: 02/19/2008
Date Terminated: 05/30/2008
Jury Demand: None
Nature of Suit: 510 Prisoner: Vacate Sentence
Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
02/19/2008	<u>1</u>	MOTION to Vacate, Set Aside or Correct Sentence (28 U.S.C. 2255). NO FURTHER ENTRIES. PLEASE SEE CRIMINAL CASE: 96-cr-450 (DLC). Document filed by Joseph Dominguez-Menas.(ja) Modified on 6/2/2008 (rw). (Entered: 03/06/2008)
02/19/2008	<u>2</u>	APPLICATION FOR THE COURT TO REQUEST COUNSEL. Document filed by Joseph Dominguez-Menas.(laq) (Entered: 03/06/2008)
02/19/2008	<u>3</u>	60 DAYS ORDER, The Clerk of Court is directed to assign a docket number to this action. Movant, however, is directed to comply with the instructions discussed within 60 days of the date of this order. Accordingly, movant is directed to comply with this order as specified within. No response by a respondent shall be required at this time, and all further proceedings shall be stayed for 60 days or until movant has complied with this order. Movant is advised that any amended petition submitted should be captioned as an "Amended Petition" bear the same docket number as this order, and must be submitted to the Court's Pro Se Office. Movant is advised that any amended petition submitted shall completely replace, not supplement, movant's original motion. Movant is reminded that if he does not wish to have this action characterized as one in which movant seeks relief under 2254, he must submit a written request for the withdrawal of this action and its dismissal without prejudice to the Court's Pro Se Office within 60 days of the date of this order. If movant fails to comply with this order within the time allowed, or fails to show good cause as to why he cannot comply with be dismissed without prejudice. As movant has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. The Court declines to rule on Movant's application for the Court to request counsel at this time. The Court certifies pursuant to 28 U.S.C.1915(a)(3) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 2/19/08) (laq) (Entered: 03/06/2008)
02/19/2008		Magistrate Judge Frank Maas is so designated. (laq) (Entered: 03/06/2008)
05/30/2008	<u>4</u>	JUDGMENT in favor of USA against Joseph Dominguez-Menas that this action is dismissed, and any appeal would not be taken in good faith. (Signed by Judge Kimba M. Wood on 5/30/08) (jf) (dt). (Entered: 06/02/2008)
05/30/2008	<u>5</u>	ORDER OF DISMISSAL; that Movant's requests for an extension of time to comply with the Court 2/19/08 order are denied, and this action, recharacterized as a section 2254 habeas corpus action, is dismissed without prejudice. Movant's application for the Court to request counsel is denied as moot. As Movant has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. (Signed by Judge Kimba M. Wood on 5/30/08) (pl) (Entered: 06/02/2008)
05/30/2008		Mailed notice of Right to Appeal to Pro Se Litigant(s): Joseph Dominguez-Menas. (jab) (Entered: 06/03/2008)
06/11/2008		Received returned mail: Mail was addressed to Jose Dominguez-Menas at 91r7168 Cocksacki CF W.Cocksackie, NY 12051 and was returned for the following reason(s): Name and I.D. Do not match. (jab) (Entered: 06/11/2008)
06/18/2008	<u>6</u>	NOTICE OF APPEAL from <u>4</u> Judgment. Document filed by Joseph Dominguez-Menas. A copy of the Notice of Appeal mailed to attorney(s) of record: A.U.S.A. (nd) (Entered: 07/02/2008)
06/18/2008		Appeal Remark as to 6 Notice of Appeal filed by Joseph Dominguez-Menas. IFP REVOKED ON 5/30/2008; \$455.00 APPEAL FILING FEE DUE. (nd) (Entered: 07/02/2008)
07/02/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 6 Notice of Appeal. (nd) (Entered: 07/02/2008)
07/02/2008		Transmission of Notice of Appeal to the District Judge re: 6 Notice of Appeal. (nd) (Entered: 07/02/2008)